

## REMARKS

Claims 1 - 18 are in the application. Claims 7 -18 are withdrawn from consideration. Claims 1 and 6 are currently amended; claims 2 and 3 were previously presented; and claims 4 and 5 remain unchanged from the original versions thereof. Claims 1 and 16 are the independent claims herein.

No new matter has been added to the application as a result of the present Response. Reconsideration and further examination are respectfully requested.

### Claim Rejections Under 35 USC § 112, 2<sup>nd</sup> Paragraph

Claims 1-6 were rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that the phrase "a respective computer of a plurality of computers" found in the previous claim 1 was not clear. The Examiner further stated that the previous claim 6 was also unclear for similar reasons.

In response, Applicant has amended claims 1 and 6 delete the reference to "a respective computer of a plurality of computers". As amended, both claims 1 and 6 recite "a computer system comprising a plurality of computers". Thus, the alleged source of indefiniteness cited by the Examiner has been removed from the subject claims and replaced by phraseology that is clear, concise, and unambiguous (i.e., definite).

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 112, 2<sup>nd</sup> paragraph.

### Claim Rejections Under 35 USC § 103(a)

Claims 1-6 were rejected as being unpatentable over Greif, U.S. Patent No. 5,371,675 (hereinafter, Greif) in view of McKinney et al., U.S. Patent No. 4,823,914

(hereinafter, McKinney) and further in view of Official Notice. This rejection is respectfully traversed.

The Examiner cites and relies upon Grief for disclosing a computer program for executing an audit associated with net operating income. In particular, the Examiner cites the claims 1-20 and FIG. 15 of Grief. However, the actual disclosure of Grief does not disclose, suggest, or support the Examiner's rejection of claims 1-6 under 35 USC 103(a). That is, the cited and relied upon Grief does not disclose that for which it was cited and relied upon for disclosing.

Applicant respectfully notes that Grief is directed to a computer program to represent a spreadsheet including an array of cells for storing user entered data. In Grief, the programmed computer includes instructions for designating a group of one or more cells within said spreadsheet, the group containing a first set of user entered data; instructions for creating an alternative for the group, the alternative containing a second set of user entered data that is different from the first set of user entered data; and instructions for enabling the user to select between the group of one or more cells and the alternative as the source of the data that is used in a corresponding group of cells within said spreadsheet. (See Grief, col. 1, ln. 63 – col. 2, ln. 8) Claims 1-20, and in particular the independent claims therein, substantially recite the forgoing subject matter. Also, in regards to FIG. 15, Grief discloses "audit objects" 90. Grief states, "Audit objects 90 maintain a history of "interesting" events which affect the object to which they are attached (e.g. historical events such as date of creation and modification as well as the identity of the user who caused the event). Upon creation, they know how to get the system date and time and, for network versions, know how to get the name of the spreadsheet user. The Audit object can be given an event code or an arbitrary string. It also knows how to "render" itself for printing (i.e., convert event codes to strings)." (See Grief, col. 19, ln. 60 – col. 10, ln. 20) The "audit objects" are disclosed as being part of a versionable spreadsheet (VS) C++ computer program abstract class 80 object. That is, the "audit object" disclosed in Grief is a computer program abstraction.

Although the Grief computer program is related to a spreadsheet, there is no disclosure or suggestion therein of an accounting audit related to a net operating income (NIO).

Thus, it is abundantly clear that the cited and relied upon Grief does not disclose or suggest the claimed computer program for executing an audit associated with a NOI, as alleged in the Office Action. In fact, Grief fails to disclose any type of accounting audit, let alone an audit related to NOI.

McKinney was cited and relied upon solely for disclosing a computer program distributed to remote locations. However, the McKinney computer program of FIGS. 7-19 that may be distributed to a number of remote locations is disclosed as being related to the monitoring of a number of elevator shafts at possibly different locations. That is, the cited and relied upon McKinney is totally unrelated to the claimed methods related to a NOI audit.

In light of the obvious and overwhelming failure of Grief and McKinney to disclose that for which they were cited and relied upon for disclosing, Applicant respectfully reserves the right to address those aspects of the rejection relying on the Official Notice taken by the Examiner. That is, Applicant does not concede or admit to truthfulness of the Official Notice taken by the Examiner and reserves the right to address the merits of the Official Notice in the future. In view of the insufficiency and failings of the Grief and McKinney references, even if Grief, McKinney, and the Official Notice were combined somehow (not admitted as suggested or feasible), Applicant respectfully states that such alleged combination does not render claims 1 and 6 obvious.

Applicant also respectfully notes that the Office Action is silent regarding other patentable aspects of the claimed invention. For example, the Office Action fails to address aspects such as the claimed "computer program including an interactive global NOI audit model and user-viewable standards, procedures, documentation, and reporting requirements, said computer program operating to receive a respective first input data in connection with the respective real estate property and to generate a

respective current NOI audit report associated with said respective real estate property” (See claim 1). This and other aspects of the claims appear to have been totally ignored by the Office Action dated April 4, 2005 (and earlier).

Accordingly, Applicant respectfully submits that claim 1 and 6 are patentable over the cited and relied upon Grief, McKinney, and Official Notice. Further, claims 2 and 5 depend from claim 1. Therefore, Applicant respectfully submits that claims 1-6 are patentable over the cited and relied upon Grief, McKinney, and Official Notice under 35 USC 103(a).

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date



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